

REMARKS

Applicants acknowledge receipt of the Office Action dated March 23, 2009. In that action, the Examiner: (1) rejected claims 9, 12, 14, 15, 45, 46 and 49 under 35 U.S.C. 112, second paragraph, as being indefinite; (2) rejected claims 1, 6-24, 28-32, 35, 36, 39, 40, 45, 47, 49-53, 59, 145 and 146 under 35 U.S.C. 102(b) as being anticipated by *Lyall* (U.S. Patent No. 4,635,972) ("*Lyall*"); (3) lodged provisional nonstatutory obviousness-type double patenting rejection against claims 62 and 63 as claiming the same invention as that of claim 154 of copending Application No. 10/510,966; (4) objected to claims 2-5, 25-27, 33, 34, 37, 38, 41-44, 48 and 54-58 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims; and (5) allowed claims 61 and 63.

Applicants appreciate the allowability of certain of the claims. For the balance of the claims, Applicants respectfully request reconsideration in view of the preceding amendments and remarks that follow.

Rejections under 35 U.S.C. 102(b) based on Lyall

The Examiner has rejected various claims as anticipated by *Lyall* (US 4635972). *Lyall* discloses a plastic pipe coupling including a plastic fitting 21 with spigot ends 27, 29 each having sealing and locking rings 31, 33. The plastic fitting 21 includes an inner metallic tube 41. Two plastic pipes 47, 49 are disposed near ends 27, 29 of the fitting. The plastic pipes 47, 49 are each fitted with outer plastic sleeves 43, 45. Thus, the ends of the plastic pipes 47, 49 may be inserted over the spigot ends 27, 29 as shown in Figs. 5-7, and the plastic sleeves 43, 45 are drawn toward the external flanges 23, 25. The plastic sleeves 43, 45 compress the plastic pipes 47, 49 radially inwardly to cause the plastic to flow radially inwardly into the grooves of the locking rings 31, 33. For the following reasons, arranged in the order of the claims, *Lyall* does not teach each and every element of the claims.

Claim 1

The Examiner states that the first tubular member 47 of *Lyall* is coupled to a tubular sleeve 43, 45. However, while tubular member 47 is coupled to sleeve 43, it is not coupled to a second sleeve 45 which is only coupled to the second tubular member 49. Thus, the second tubular

member 49 is not coupled to another end of the tubular sleeve that is coupled to the first tubular member, as is claimed.

Furthermore, while the Examiner states that *Lyall* discloses coupling the ends of the first and second tubular members 47, 49, as is claimed, in fact *Lyall* does not teach the first and second tubular members are so coupled. Because “coupling the ends of the first and second tubular members” is claimed, it must have meaning separate and apart from “coupling an end of a first tubular member to an end of a tubular sleeve” and “coupling an end of a second tubular member to another end of the tubular sleeve” as are also claimed.

Further, while the Examiner has explicitly identified the claimed sleeve as the plastic sleeve 43 and the separate plastic sleeve 45, the Examiner also identifies “external flanges 23, 25, seal rings 31, 33, clamp/latch 75, expansion device 21” as showing separately claimed features of the sleeve, when in fact these disclosed features are part of the plastic fitting 21 separate and apart from the sleeves 43, 45. These assertions by the Examiner are inconsistent and must be rectified.

Applicants respectfully submit that claim 1 is allowable for at least these reasons.

Claims 2-5

The Examiner identifies claims 2-5 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants amend claim 2 to include all of the features of claim 1. Thus, claims 2-5 are now allowable.

Claims 6-9

Claim 6 includes the tubular sleeve comprising an external flange. The Examiner identifies the flanges 23, 25 in *Lyall*. However, as mentioned, the flanges 23, 25 are part of the plastic fitting 21 and not the explicitly identified sleeves 43, 45. Because these statements by the Examiner cannot be reconciled, *Lyall* does not disclose the additional features of claim 6.

Further, while the Examiner identifies item 77 as an external flange, it is in fact a clamping fork for urging the sleeve 43 axially over the pipe 47 for ultimately installing the *Lyall* coupling. See *Lyall*, col. 4, l. 67 – col. 5, l. 7; Fig. 5. Item 77 is not an external flange of the sleeve 43.

As to claim 7, “the end of the first tubular member abuts the external flange.” However, the ends of the tubular members 47, 49 in *Lyall* do not abut any of the identified flanges 23, 25, 77, as is clearly shown in Figs. 5 and 7. Claims 8 and 9 are distinguishable for the same reasoning.

Applicants respectfully submit that claims 6-9 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 10-15 and 19-24

Claim 10 includes “inserting a retaining ring between the end of the first tubular member and the end of the tubular sleeve.” Applicants’ best understanding is that the Examiner has identified the seal rings 31, 33 of *Lyall* as the claimed retaining ring. However, the seal rings are part of the plastic fitting 21 and not the identified sleeves 43, 45. Sleeves 43, 45 do not have a retaining ring disposed “between the end of the first tubular member and the end of the tubular sleeve”, as claimed. Claims 11-15 are distinguishable for the same reasoning.

Claim 19 includes “coupling the end of the first tubular member to the end of the tubular sleeve” by “coupling a retaining ring to the end of the first tubular member.” For the same reasoning as above, *Lyall* does not disclose a retaining ring for the coupling of the tubular member and the sleeve. Claims 20-24 are distinguishable for the same reasoning.

Applicants respectfully submit that claims 10-15 and 19-24 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 16-18

Claim 16 includes “deforming the end of the tubular sleeve.” While the tubular members 47, 49 of *Lyall* are shown and described as deformed, the sleeves 43, 45 are not deformed. Nor is the plastic fitting 21 deformed. Thus, *Lyall* does not disclose deforming an end of the tubular sleeve as claimed. Claims 17 and 18 are distinguishable for the same reasoning.

Applicants respectfully submit that claims 16-18 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 25-27

The Examiner identifies claims 25-27 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants amend claims 25 and 27 to include all of the features of claim 1. Thus, claims 25-27 are now allowable.

Claims 28-30

Claim 28 includes “latching the end of the first tubular member to the end of the tubular sleeve.” While the Examiner identifies a latch 75, it is in fact part of a clamping fork for externally gripping the plastic fitting 21 and moving the sleeves 43, 45 relative to the plastic fitting 21. See *Lyall*, col. 4, l. 67 – col. 5, l. 7; Fig. 5. Item 75 does not latch either of the tubular members 47, 49 to either of the sleeves 43, 45. Claims 29 and 30 are distinguishable for the same reasoning.

Applicants respectfully submit that claims 28-30 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claim 31

Claim 31 includes “one or more sealing members for sealing the interface between the tubular sleeve and at least one of the tubular members.” The Examiner has not identified nor does *Lyall* disclose a sealing member so disposed for sealing the interface between the sleeves 43, 45 and the tubular members 47, 49.

Applicants respectfully submit that claim 31 is allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 32, 35 and 36

Claim 32 includes “placing the tubular members and the tubular sleeve in another structure, and then radially expanding and plastically deforming the first tubular member and the second tubular member.” The Examiner has not identified nor does *Lyall* disclose placing the plastic coupling assembly of *Lyall* into another structure, then radially expanding and plastically deforming the tubular members. Further, *Lyall* does not contemplate such a method because external forces, such as via the clamping fork 75, 77, are needed to move the outer sleeves 43, 45 relative to the plastic fitting 21 before placement of the coupling assembly. *Lyall* also does not disclose that the other structure is a wellbore or a wellbore casing, per claims 35 and 36.

Applicants respectfully submit that claims 32, 35 and 36 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 33, 34, 37, 38 and 41-44

The Examiner identifies these claims as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants amend claims 33, 34, 37 and 42-44 to

include all of the features of claim 1 and any intervening claims. Thus, claims 33, 34, 37 and 42-44 are now allowable.

Applicants note that claims 38 and 41 remain allowable.

Claims 39 and 40

Applicants respectfully submit that claims 39 and 40 are allowable for at least the reasons that claim 1 is allowable.

Claims 45 and 46

Claim 45 includes “displacing an expansion cone within and relative to the first and second tubular members.” *Lyall* does not disclose such an expansion cone, as a separate component from the coupling, that displaces within and relative to the tubular members. Instead, *Lyall* discloses an external clamping fork 75, 77 that displaces to move the outer sleeves 43, 45 relative to the tubular members 47, 49 and the plastic fitting 21.

Claim 46 includes “applying radial pressure to the interior surfaces of the first and second tubular members using a rotating member.” *Lyall* does not disclose a rotating member applying internal radial pressure on the tubular members.

Applicants respectfully submit that claims 45 and 46 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claim 47

Claim 47 includes “amorphously bonding the first and second tubular members during the radial expansion and plastic deformation of the first and second tubular members.” *Lyall* does not disclose these claimed features, at least because the tubular members 47, 49 are not coupled or otherwise touching for bonding, and also because *Lyall* does not disclose amorphous bonding of the tubular members.

Applicants respectfully submit that claim 47 is allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claim 48

The Examiner identifies claim 48 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants amend claim 48 to include all of the features of claim 1. Thus, claim 48 is now allowable.

Claim 49

Claim 49 includes “providing a fluid tight seal within the coupling between the first and second tubular members during the radial expansion and plastic deformation of the first and second tubular members.” *Lyall* does not disclose these claimed features, at least because the tubular members 47, 49 are not coupled, and also because *Lyall* does not disclose the fluid tight seal as claimed.

Applicants respectfully submit that claim 49 is allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 50-53

Applicants respectfully submit that claims 50-53 are allowable for at least the reasons that claim 1 is allowable.

Claims 54-58

The Examiner identifies claims 54-58 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants amend claims 54 and 58 to include all of the features of claim 1. Thus, claims 54-58 are now allowable.

Claim 59

Applicants respectfully submit that claim 59 is allowable for at least the reasons that claim 1 is allowable.

Claims 145-147

Claim 145 includes “radially expanding and plastically deforming the tubular sleeve.” While the tubular members 47, 49 of *Lyall* are shown and described as deformed, the sleeves 43, 45 are not expanded or deformed. Nor is the plastic fitting 21 expanded or deformed. Instead, the plastic sleeves 43, 45 are moved to compress the plastic pipes 47, 49 radially inwardly to cause the plastic to flow radially inwardly into the grooves of the locking rings 31, 33. The sleeves 43, 45 are not otherwise expanded or deformed.

Claim 146 includes “displacing an expansion device within and relative to the first tubular member, the second tubular member and the tubular sleeve.” *Lyall* does not disclose such an expansion device, as a separate component from the coupling, that displaces within and relative to the tubular members and the sleeve. Instead, *Lyall* discloses an external clamping fork 75, 77 that

displaces to move the outer sleeves 43, 45 relative to the tubular members 47, 49 and the plastic fitting 21.

For similar reasons as just stated, new claim 147 is also allowable over *Lyall*.

Applicants respectfully submit that claims 145-147 are allowable for at least these reasons, in addition to the reasons that claim 1 is allowable.

Claims 60 and 62 – Double Patenting

Claim 154 will be canceled from Application No. 10/510966, thus mooted the provisional obviousness-type double patenting rejection.

CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

In the event that extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account Number 03-2769 (2725-10105).

Respectfully submitted,

/Matt Moscicki/
Matthew R. Moscicki
Reg. No. 57,524
CONLEY ROSE, P.C.
P. O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000 (Phone)
(713) 238-8008 (Facsimile)
ATTORNEY FOR APPLICANTS